

## **PLANNING BOARD**

February 16, 2005

**Members Present:** Martha Morrison, Stephen Whelan, Jim Decoulos, Jan Ablon

**Absent:** Gregor Smith

**Visitors:** Fox Run Rd. Resident, David Moniz, Developer Mike O'Hara, Atty. Ankeles, Frank Iovanella, Cindy, Larry Beals Assoc. and Atty Mark Johnson.

The Chairman called the meeting to order at 7:35 PM.

**I      ANR – 35 Main St. – Informational** Frank Iovanella owner of property located at 35 Main St. queried the board relative to subdividing the lot lines. The board reviewed his plans and explained to him that creating a new lot would not guarantee a buildable lot due to inadequate frontage. Mr. Iovanella will file an ANR application with hopes of obtaining a variance from the Zoning Board of Appeals.

### **II.      Public Hearing Continuation – Fox Run Rd. Extension**

Steve opened the Public Hearing. Jim addressed the engineering issues as itemized by Paul Avery, Oak Engineering. Addressing the 15 ft. cut near the end of the cul-de-sac and an embankment sloped at 2:1, the engineer felt would have a tendency to make the area more concave and prone to erosion. Mike was asked to have the drainage calculations depict the entire watershed area rather than just the work area showing that the piping is the correct size to handle the flow. Mike was asked to identify the routing of the swale and that it will not be subject to the overflow based upon the calculations of the watershed. A memo dated February 16, 2005 from Rosemary Decie, Health Agent was read aloud. The board addressing the septic system asked if the overflow by recharge could happen by design what is the minimum percolation rate needed. Mike was asked to calculate the minimum percolation rate. Mike stated he ended up with the 100yr. plan and would install a second outlet pipe 6 inches in diameter. Paul Avery suggested that additional erosion control fencing be placed around the top of the proposed cul-de-sac and it be maintained through construction. Mike felt it was not necessary but will do it if he has to. Hydrograph 6 was missing from the Stormwater Calculations. Mike will get that missing page to the Engineer. Mike stated he would use the best-managed practice for erosion. A memo from Dave Bond recommending that the applicant's engineer respond to the issues raised by Oak Engineering and report back to the Planning Board was addressed.

Dave Muniz asked what was the purpose of the recharge. Mike answered to put the

water back into the ground. Dave stated that the stream runs faster now than it used to and that it is very important to slow down the flow coming back into that stream. Dave also addressed the silt that came down when the road was being built and asked why it wouldn't get worst. The Board asked that the neighborhood not be full of silt from run-off. Mike commented that he will be using chopped hay which was approved by Cons. Com. He will spray first with hydro seed and then hay.

Jim Decoulos stated there would be adequate performance guarantee. No lot will be released until stabilization is acceptable.

Jim volunteered to draft conditions for plan approval based on information by Oak Engineering and others. Jim moved to close the public hearing; Jan seconded; No vote was taken. The public hearing remains open.

Jim moved that the board prepare conditions for approval of the Fox Run Rd. Definitive Subdivision plan dated September 30, 2004 with revision dates; Jan seconded; Vote 4-0-1 Absent.

**II. Hickory Beech Development** - The Board met with Atty. Mark Johnson and Larry Beale, Engineer, Beals Associates, Inc. to discuss the Elderly Housing District bylaw. Atty. Johnson prepared a composite document in which the Board compared his wording to that of Attorney Kathleen O'Donnell, Kopelman & Paige. The following is a list of questions and comments for Town Counsel.

1. How do we deal with age restriction in the event of a 55 and older member dying and a spouse less than the restricted age remaining in the unit?  
Do we let the HOPA 80% rule govern and have fines imposed on the associates as an enforcement policy.
1. Should we age restrict by deed or by Association By-Law? What is the mechanism that carries this forward in subsequent sales of the units?
1. There was discussion in regards to A-2. Should the owner of the land be able to use the underlying zoning when not wanting to construct Elderly Housing in the district created? Please give further explanation to your language in this paragraph.
1. The issue of whether the Elderly Housing District must have its frontage or an existing road or a road on an accepted plan was discussed. If the plan for the development is accepted by the Board with the contingency on the Town passing the Elderly District Warrant, can the Elderly District

be defined by the proposed public road of the accepted plan?

1. Are we considering the changes to the By-Law as an overlay or are we creating a new zone? The implications of using the zoning by laws of the underlying zone were discussed again.
1. What does the term "conventional apartment" mean? (Standards n) If the purpose is to prevent a rental community the Board is in agreement however, we are willing to allow the purchase of a unit by a child for a parent. Can we have wording that would allow both?
1. In paragraph "t" we are willing to strike "herein above which are more particular or stringent shall govern." What are the implications?
1. We need to discuss and determine the cash amount going to affordable housing. Should it be part of the zone by-law? How do we determine and amount that will be fair for future request for a similar development? Should the cash formula be even part of the by-law? What formula do other towns use?
1. We need more discussion on the time frame to complete. We agree that two years to complete the project is unreasonable and offered that the infrastructure be completed in the first year and 25% of the units shall have begun construction on a yearly bases and once begun shall be completed within a year. (I think that was our compromise on this issue.)

The Board will continue with work sessions scheduled for Saturday, March 5<sup>th</sup> @ 9:00am, Monday March 7<sup>th</sup> @ 7:30 PM Town Hall & Wednesday March 9<sup>th</sup> @ 7:30PM, Town Hall. The next regular schedule meeting for the Planning Board is March 2, 2005 @ 7:30PM Town Library.

Steve moved to approve the FY06 Planning Board budget as presented; Jim seconded; Vote 4-0.

Jim moved to approve the FY05 Annual Report as written; Jan seconded; Vote 4-0.

By unanimous vote, the meeting adjourned at 11:30 PM.

Minutes- 02/16/05

Page 4

Respectfully submitted

Kathleen E. Smith

Secretary